G.R.S. 37.]

File No. 18–10

Serial Nos. 1–9

1910–11

GENERAL AND REVENUE SECRETARIAT.

(Legislation)

Part A: Manuscript
for June 1911

Serial Nos. 1–9.

Contents.

Note in Margin

From the Joint Sheffield Agent No. 3755/S18-751.
dated the 5th January 1909.

State that the proposal of Mr. J. Aranda Nar, President, Mysore State Life Insurance Committee to make Savings Banks Deposits transferable and endorseable like the bonds of the interest is one which if adopted is likely to afford facility to Savings Banks depositors, and that if the proposal is agreeable a draft addenda to the Savings Banks Act and Rules will be prepared in consultation with the Government Advocate and submitted in due course

G.P.S. 3,000—20-3-06.

2. To the Registrar of the Chief Court of Lydia
No. 9938 dated the 23rd September 1909

Requests him to favor government with information as to the amount of Court fees realised during the past 5 years by Consts in the State on probate, letters of administration or certificate granted under the Succession Certificate Regulation VII of 1901 on account of deposits in government Savings Banks.

3. From the Dewan No. 2350/158 dated 11th June 1910.

States that 247 applications were filed in the several Courts of the State in the above respect during the last 5 years and Rs 13,672-12-0 were realised thereon

4. Do letter No. 666 dated the 18th Feby 1910.
From the Dewan, to the Resident — Encl. Fwds a copy of the Bill to amend the Govt Savings Banks Act, 1893 and states that it will be placed before the Legislative Council in due course.

5. Do letter No. 1118 dated the 22nd Feby 1910
from Major W. Jeffreys, First-Assistant to Resident to Dewan.
Fwds a copy of the above letter from the Dewan.

States that the Hon'ble the Resident sees no objection to the Bill being placed before the Legislative Council.

6. To the Resident No. NN 536 dated the 11th Dec 1910.

Fwds a copy of the Bill as finally adopted by the Legislative Council and requests that the sanction of the Govt of India may be obtained for the Bill being passed as law.

G.R.S. 11]

1908.

GENERAL AND REVENUE SECRETARIAT

(II)

~~General Finance~~

NOTES.

Old 97 File. No. ~~237~~ 08

FILE HEADING.

~~Proposal to make S.B. Deposits transferable and endorsable, like the Promissory Notes~~ Amendment of the Savings Banks Act-1873 as in force in Mysore.

From

The Comptroller

No. 3795 / S.B.751 Dated 7.1.09 Received 8.1.09

Diary No. 2284	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that the ~~the~~ proposal of Mr. T. Ananda Rao President, M.S.L.I. Committee ~~to make savings bank deposits transferable and~~ (to one which, if adopted, is likely to afford facility to S.B. depositors, and that should the proposal be agreeable to Govt. a draft addenda to the S.B. Act & Rules will be prepared in Consultation with Govt. Advocate & submitted for approval in due course.

NOTES AND ORDERS.

1

Submitted with a Copy of the Savings Bank act by us

Nil/1/09 12 & Savings Bank rules of Mysore State Life Insurance Scheme

No doubt the proposal affords great advantage to depositors, but there is one point which has to be considered.

NOTES—First sheet.

GPB—30,000—20-3-06.

While there can be doubt that an insurance amount belongs to the insured person, who has absolute powers of disposal over it, a deposit in the Savings Banks does not in every case belong to the depositor. To give him the power of disposal would operate hardly on those who may have an interest in the deposited funds.

To obviate the above mentioned hardship, it may be necessary to reserve to Govt the power to decline to pay the amount in accordance with the depositor's directions. In cases however where payment is made accordingly, the fact may be notified in the Gazette fixing a time within which objections will be heard.

another aspect of the proposal is that it involves the loss of stamp revenue which would otherwise be payable on succession certificates.

It is also a point for consideration

GPB—50 000—17.3.07

R. S. 12]
eneral and Revenue
Secretariat.

Legis 18 [illegible]-1"

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Whether the concession would not tend to a great increase in the number of deposits large & small and thus impose additional work on the S. B. Staff.

[illegible] 21/1.

3

Note—Contn sheet.

HPB—50 000—17-3-07.

Legislative-II

G. R. S. 12]
General and Revenue Secretariat.

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1. This is a matter mainly for consideration in Branch iii. If it is decided to accept the proposal, the suggested amendment of Act V of 1873 may require the sanction of the Govt of India and also reference to the Legislative Council. The Govt of India Savings Banks Act does not seem to contain a provision of the kind now proposed & it is not clear if that Govt would authorise legislation on the lines suggested in the Comptr's letter.

The terms of a policy-bond does not seem to be transferable or endorsable and it is doubtful if Savings Bank Deposits can be made negotiable. The only assignment that is permitted in respect of the terms of a policy-holder is that in favour of his family in the form of a nomination during his life time. Such a nomination in the case of Savings Bank deposits would no doubt have its own advantages & save the heirs of deceased depositors the trouble & expense involved in obtaining heirship certificates from Courts. But if such nomination shd be

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.

permitted in the case of Savings Bank Deposits, Some points require Consideration. Viz not known of Minor depositors can be given the power to nominate. Again if a deposit is ancestral property, any Nomination in respect of it has to be made in a public manner, so that any payment made on the authority of such Nomination may not be challenged. If the Nomination is to be made publicly a notification should announcing it has to be published in the Gazette & any Objection need to such Nomination will have to be considered & who is to Consider it is also an important point. Such Objections from the very Nature of the case have to be considered by a Court. Again a Savings Bank deposit is not a fixed amount & it may not be quite easy to make nominations in respect of a fluctuating amount, unless frequent changes in a Nomination once made are allowed. The question may be referred for consideration in the Judicial & Legislative Branch.

27/1/9

Secretary

25-1-9

NOTE—Contn sheet.

GPH—50 000—17-3-07

Serial No. Lo Br 111

J Secs 8
30.1.09

Intro order
No
30/1/09

The proposed rule refers only to payments to be made after the death of the depositor. There is no necessity therefore to discuss the question whether transfer during life or 'negotiation' or 'endorsement' can be allowed.

If a depositor is allowed to make a nomination, about payment after his death, it does not necessarily follow that the production of a ~~certificate~~ by the claimant ~~should be insisted upon~~ is necessary. Under Sec 4 of the Indian Savings Bank Act, now in force in Mysore, the Treasury Officer can make payment to any one whom he considers to be entitled to the deposit after the death of the depositor, if the deposit does not exceed Rs 1000/-, and if, further, no one has produced a probate or letters of administration or certificate of heirship within three months of the death of the depositor. In the case of deposits above Rs 1000/-, certificates of heirship (or probate or letters of A) are quite necessary. Now, by allowing

NOTE—Contn sheet.

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the depositor to make a nomination all that would be gained is that the Treasury officer would have a clear expression of the depositor's desire to guide him as to whom he should make the payment under Sec 4, in case no certificate is produced. It must however be admitted that this in itself is a tremendous gain — Especially in the case of widows and minors who may happen to be the heirs of the deceased.

As regards deposits above Rs 1000/- nomination would be ineffectual as certificates would still be necessary and even in the case of deposits below Rs 1000/-, nomination could be effectually defeated by some one else managing to produce a certificate within three months of the death of the depositor.

If it is intended that nomination should always be given effect to, then an amendment of the Savings Bank Act (1873) is necessary, by inserting a clause which would give complete immunity to the Treasury Officer who makes the

NOTE—Contn. sheet.

GPB—50,000—18-5-08

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payment according to the nomination.

If it is considered impracticable to do the above, then there is no harm in providing for nomination as in the case of insurance policies, as even then it confers no small benefit on the heirs. I have already alluded to one of them viz the guidance to the Treasury officer when he has to act under Sec 4. Another advantage is, that when the case comes up before the Court in regard to the grant of a certificate, the Courts will, very likely, ~~act~~ grant it to the nominee to the exclusion of the others, who may, if they feel aggrieved, go to a regular Suit.

As regards the difficulty suggested in the above note about ~~ancestral prop~~ the deposit being ancestral property, I think it is hardly likely that anyone vending owned case to publicly nominate the payee under those circumstances. But even if he does, the fact is sure to come to the knowledge of the other persons interested and they can at once file a Suit and recover their portions from the Bank. Further, in the majority

Note.—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

~~of~~ cases, it is the Self-Earnings of the man that are deposited.

There is nothing to be ~~saved by~~ in Extending the rule to minor depositors, for the guardian can not always make a nomination that would be good at Law.

1. To Summarise:—

(1) If nomination is allowed without making any change in the Act, it can be given Effect to under Sect of the S. B. Act. In cases not falling under that Section the chances are that the Courts would give Effect to it, whenever possible, though not bound by it.

In either case the benefit accruing to the ~~kid~~ heirs would justify the introduction of the change.

(2) If the Govt desire that nomination should be Compulsorily given Effect to, ~~in all cases~~ then the Indian Savings Bank Act will have to be Suitably modified.

(Note. I do not know if it is assumed

Note—Contn sheet.

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G. R. S. 12]
General and Revenue
Secretariat.

Genl. Fin. File No. 137 of 1908-09

Serial No.

~~that nomination in the case of~~ insurance policies does away with the necessity for production of certificates of heirship. So far as my knowledge goes, no such result follows, as the law has not been modified.)

21. 2. 09. S.H.

To Branch II.

Submitted for orders.

N 22/2

and 26/2

Jnl (Secy)

mch 2.3.9

I doubt the correctness of this remark. I do not think there is any necessity for a certificate in the case of nomination under Pension [illegible] [illegible]

15-2-09

I agree with A above. I do not think that it is necessary to go so far as B

JM 2/3/9

12143 (3 books) Despatched 3.3.09

1. To Council

[illegible]

[illegible] 10.3.9 P.T.O.

I agree with the [illegible] [illegible] [illegible] on this [illegible], but [illegible] ~~[illegible]~~

Note.—Contn sheet.

GPB—50 000—17-3-07

G.R.S. 12]
General and Revenue Secretariat.

Legis 18/9[illegible] - 1

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Serial No.

The opinion of the Government Advocate may be obtained.

KPN
11/3/09

No 76 100 y 12-3-09

Forwarded to the Govt Advocate.

M.N. Krishnan
for Jnt Secy
11.3.09

Ex. Hotel & Boote

G.O. 39
Date 15-3-09

11 y 15

1. The letter of the Comptroller contains two proposals namely (1) that the Mysore Government Savings Bank deposits may be "made transferable and endorsable" and (2) that the Savings Bank depositors may be allowed to nominate any persons as their heirs to whom the amount to their credit may be paid after their death.

2. The main object of Government in establishing Savings Banks is, I think, to encourage and foster the qualities of thriftiness and prudence in the poorer section of the subjects of the State by providing for a safe mode of investing their small savings and making the amount thus deposited carry a small rate of interest. The proposal (1) is certainly inconsistant with this object.

3. The Savings Bank deposits, evidenced by a Pass-Book issued to the depositor, form an open and current account. It is not clear whether each deposit, at the

NOTE—Contn. sheet.

GPB—50.000—18-5-08

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the time of making it, or the total balance in favour of the depositor at any given time, that is intended to be made "transferable and endorsable". In either case, many difficulties present themselves in working out the idea, and any mode that may be suggested for obviating these difficulties will defeat the original object of Government in instituting the system of -- Savings Bank by rendering it a mercantile business of a very complicated kind.

4. The effect of rendering a deposit account in the Savings Bank "transferable and endorsable", if unobjectionable on other grounds, will be to render the Pass-Book a negotiable instrument. It will then -- assume the nature of a currency note carrying interest or stock note, negotiable either by mere delivery or by an endorsement, and may perhaps clash with the -- policy of the Government of India in the matter of -- paper currency.

5. Supposing all these circumstances are over-come, the change or improvement in proposal (1) cannot, in my opinion be made without a fresh legislation and the approval of the Government of India.

6. As to the proposal (2) I am of opinion that no fresh legislation is necessary to make the deposit amount payable to a nominee of the depositor, in --- cases in which the last balance due at the death of the depositor does not exceed Rs.1000/-. Any rules framed

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framed by Government in this respect will take the form of instructions issued to the Treasury Officer in the exercise of the discretion vested in him -- under – section 4 of the Savings Bank Act. But when such balance exceeds Rs.1000/- the obtaining - of a succession certificate cannot be dispensed --- with except under a fresh legislation.

15. 3. 09. S. Narayana Rao
Govt Advr:

Submitted
16/3.
17/3

Councillor)

This may be recirculated to the Pol. Councillor and the Financial Secretary

13 20/3/09

Fin Secy).

I think it will be sufficient if rules are framed allowing nomination; and

NOTE—Contn. sheet.

GPB—50.000—18-5-08

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necessary instruction given to Try officers as suggested at A in first Advocate's note.

Fresh legislation for cases in which the deposit exceeds Rs 1000/- or for making Savings Banks deposits transferable and endorsable to any greater extent does not seem to be called for.-

24/8/09

First Commissioner

Dr 3. G

I think that Sec 4 of the Savings Bank Act may be amended as follows:-

	For	Read
1	One Thousand Rs	Five Thousand Rupees
2	Three Months	Six Months

And further that rules may be made whereby, in considering the claims of persons appearing to be entitled to receive it or to administer the estate of the deceased" the Treasury Officer may give preference to a nominee whose name the Depositor may have registered in the Office of the Treasury Officer in manner to be prescribed. -

28 Aug

NOTE—Contn. sheet.

GPB—50,000—18-5-08

G. R. S. 12]
General and Revenue Secretariat.

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15

Serial No.

Received 27/3/09

I fully agree with the Pt Councillor. The proposed change will soften the provision of law regarding the amount of deposit which may be returned without an heirship certificate

Section 4 of the Savings Bank Act may be amended as proposed - and rules may be framed providing for the depositor registering the name of any person entitled to receive the money on the death of the depositor

VVM 31/3/09

Draft according; Circulate to Councillors & bring up at Council Meeting please

Dated 15 June 1910.

Note—Contn. sheet.

GPB—50,000—18-5-08

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Gl: Sec: File No. 237 of 1908-9

Serial No.

Draft amdg. G.O.

Submitted with a draft.
K.S.
29/6/09.

Secy)

Mch 1917

I am not sure if the procedure suggested is not too summary when such amounts as Rs 5000/- are concerned. A Civil court only, with its presiding officer trained in Civil Law & its powers & facilities of obtaining & recording evidence, can be entrusted with the task of determining as to who is entitled to receive the property or administer the estate of deceased persons. A departure from this principle is allowed only in respect of small amounts. Thus under the Civil Account Code salary & allowances claimed on behalf of a deceased officer should be paid to his heirs to the extent of Rs 500/- after such enquiry into the right and title of the claimants as the officer responsible for the payment may deem sufficient; but if the amount exceeds Rs 500/- then in every case the excess should be paid only to the person duly authorized to receive assets belonging to the estate of the deceased i.e. the

NOTE—Contn. sheet.

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person duly authorized by a court of law. Under the Imperial service regulations (art 531) the same rule applies to arrears of pension of a deceased pensioner & the limit in this case is also laid down at Rs 500. To raise the limit in the case of Savings Banks deposits to Rs 5000/- in the way suggested would in my opinion be undesirable. It would be throwing too much responsibility on the Treasury officer; and though he would be protected by the law, there would be considerable risk of large sums going to wrong parties.

I respectfully adhere to the opinion that the changes referred to in my note of 24.3.09 above represent what can be & should be done in the matter.

12/7/09

12/7/09

Circulated to Councillors. (I have corrected at page 10 what I consider a mistake in the view taken by the Advocate General, Bombay as to the necessity for succession certificate in the case of payments of bonuses to nominees under the Insurance rules. The payment in such a case is made under a special understanding or contract under which the nominee is virtually a trustee for the real creditor or the Executor

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the pleaded person dying before he attains the age of 55 yrs. & no succession certificate is necessary in such a case. However the point is not one which directly concerns the Secretariat Savings Bank deposits.

15/7/09

Seen HPM
17/7/09 WG 17/7/09

(375) Seen.

In the changes proposed, I do not see anything about nomination by a depositor.

H.S. 23/7/09

Include in list of pending Bills.

Ex 27/7/09

12

NOTE—Contn. sheet.

GPB—50,000—18-5-08

2117 (Books) 21.8.09

Page 187/1910-11

Extract from the Proceedings of the 236 Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 16th August 1909.

VII. Subject.-(Clauses ii & viii of Schedule).

Proposal to make Government Savings Bank deposits payable to the nominees of depositors.

OPINION.

It is desirable to make provision for nominations by depositors being recognized for the purpose of payment of Savings Bank deposits upon their death as in the case of insurance bonuses. Any legislation necessary for this purpose may be undertaken.

Sd/- T. Ananda Row.
Dewan of Mysore.

"Extract"

Secretary to Government.

19

GPB—800—28-4-09

Legis 187/1910-11

(20

Submitted to His Highness.

These papers relate to a proposal made by me when President of the Insurance Committee that the privilege allowed to Policy holders under the State Life Insurance Scheme of nominating during their life time the person or persons to whom the bonus due on their policies after their death is to be paid without the necessity for producing probate of will or letters of administration, may be extended to depositors in the Mysore Government Savings Banks. Under Section 4 of the Government Savings Banks Act, 1873 (which is applicable to Mysore), when a Depositor dies leaving in a Government Savings Bank Rs.1,000 or under and if probate of his will or letters of administration of his estate, or a certificate under the Succession Act be not produced to the Treasury Officer of such Bank within 3 months of the death of the Depositor, the Treasury Officer may pay the money to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased. The

proposal is (1) to remove the money limit and (2) to authorize the Treasury Officer to pay the amount to any person nominated by the depositor during his life time and registered in the office of the Treasury Officer and failing such nomination to the person who appears to the Treasury Officer entitled to receive it.

2. The question having been considered in Council, the Council is of opinion that it is desirable to make provision for such nominations and that any legislation necessary for the purpose may be undertaken. If this is approved by His Highness, the details of the legislation necessary will be considered and a draft bill will be submitted. If legislation is to be undertaken, it will be necessary to obtain the approval of the Government of India. It may be noted that the chief effect of the proposed legislation will be the loss to Government of a certain amount of Stamp duty which has now to be paid on heirship certificates; but it will often relieve the families of deceased depositors from a great deal of pecuniary distress which they would otherwise have to face just when they are least in a position to do so and this

Legis 1899 10-11

is an object worth some sacrifice of revenue on the part of Government.

3. There was also a proposal to make Savings Banks deposits transferable and endorsable, but the Government Advocate is of opinion that this is undesirable and the proposal has been dropped.

lc

F Edmunds
28 Aug 99

22

Legis 18 of 1910-11

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to make Government Savings Bank deposits payable to the nominees of depositors.

Order.

I approve of the principle underlying the Dewan's proposal. A draft Bill may be prepared to give effect to the same. I do not know whether it would be possible to estimate the amount of Stamp duty that will be lost to Government if the proposal be carried out, but I should be glad if possible to be furnished with figures on this point.

8/9/09.

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Ld. As directed in personal draft of a letter to the Registrar of the Chief Court is submitted for approval regarding point No. (3), with draft of a Bill and Statement of objects and reasons thereof. It is not known whether a letter has to be sent now to the Residency or a D.O. letter is meant giving intimation to the Residency of the Durbar's intention to legislate in the matter of the Bill. If so, a draft will be put up after the draft Bill and Statement of Objects & reasons are approved.

NC 22/9/09 SN 23/9

Issue the draft to the Chief Court at once and lay up the file again

23/9

2 No. J 938 dated 23/9/09 V4

to the Registrar Chief Court

Requests him to favour Govt as to the amount of court fees realised during [illegible] in the Civil Courts in the State in respect of applications for letters of administration or certificates granted under the Succession Certificate Regn VII of 1901 on account of deposits in Govt

NOTE—Contn. sheet.

GPB—50,000—18-5-08

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2

(The drafts originally put up have been revised in the light of instructions personally received from the Secretary).

The draft Bill put up does not seem to require any Explanation. Only two remarks need be made.

(1) The provision regarding nomination ~~has~~ is not ~~been~~ extended to deposits belonging to minors, as the power to do so can not safely be ~~entrusted~~ either to the minor or his guardian.

(2) Sec 8 of the S.B. Act which allows a deduction of Court fees in regard to applications for Certificates of Heirship etc up to a limit of ~~Rs~~ 1000/- has been retained as it did not appear quite necessary to take away an existing privilege and as further the occasion for the practical ~~Provision~~ operation of the Section will be very rare in view of the amendments we are going to adopt.

4 The usual draft to the Resy and a Statement of objects and reasons are put up.

8/10/09 Sd

Secretary 2/10/09

The words "Treasury Office of Civil Bank" in the Copy of the S. B. act put up is a mistake for "Secretary" Please see Flag S. also Mayne Code Vol. I. pp 341 & 342

Sd

NOTE—Contn. sheet.

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G.R.S. 12
General and Revenue Secretariat.

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45 The bill proposed goes far beyond the terms of the resolution in Council. I am not quite sure if this was the intention of the Dewan's note submitted to His Highness. The effect of the present proposal is to do away altogether with the necessity to produce a succession certificate in any case. This seems opposed also to Dewan's note (as 81 C) d. 28. Mar 1909.

46 - It seems to me that this question should be cleared up before proceeding further -

3010 (3 books) 18/10/09

Dewan 12/10/09

47 I think so too - Herewith below is typed the draft of a section which may appear by itself & can be No 4A, & come be 4 & 5 -

14/Dec

NOTE—Contn. sheet.

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4 A. Notwithstanding anything contained in Section 4 or in the Indian Succession Act 10 of 1865 or the Mysore Succession Certificate Regulation 7 of 1901 or any other law for the time being in force, if a Depositor dies leaving any sum of money in a Government Savings Bank, the Secretary of such Bank may pay the same to the person nominated by the Depositor during his life time and registered in the office of the Secretary under rules to be made by Government in this behalf; provided that such nomination shall not be allowed in the case of deposits belonging to minors.

Sir 19 Dec 09

Resubmitted & endorsed

21/12/09

I think that this draft is unexceptionable and may be adopted.

15/1/10

27

17/1/10 Print revised draft Do. Letter Resd and Slt of Objects and reasons

17/1/10

Note—Contn sheet.

GPS—50,000—17-3-07

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2. Draft of a Bill and Statement of Objects and Reasons ~~of~~ duly revised are sent for approval. It will be gazetted after approval. No Report of the Residency has been seen to require any alteration.

3. Information has also been received as to the Stamp fee realized during the past 5 years on probate, letters of administration or Certificates under Succession Certificate Regulation for the recovery of deposits in Post Savings Banks belonging to the deceased depositors. The number of applications received on the account was 247 & the fee realized Rs 13673-12-0. The information was ordered to be obtained by H.H. the Maharaja. The Chief Court's letter is enclosed below.

3 From the Registrar of the Chief Court of Mysore No. 2750/158 of 11/1/10.

States that the number of applications filed in the State during the past 5 years in respect of Probate, letters of administration, or certificates of heirship for the recovery of Savings Bank Deposits of deceased depositors was 247 & the Court fee realized Rs 13,672-12-0 Submits for further orders.

~~xxx~~ 24/1/10 SW 5 Typed draft & as approved by 24/1/10 the Assistant Secretary are submitted. xxx 25/1/10 SW

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

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5) The draft & postage viz D.O. letter to the Res[t] and the 5 [th] Objects and Reasons may be approved.

6) In the letter to the Residency I have inserted the information regarding the probable amount of the loss of Stamp Revenue which would incidental on the adoption of the proposed amendment, which it will be seen is very small viz not more than $ 2700/- per annum. & the actual loss will probably be much less as the case of minors has been excluded and as it is unlikely that the benefit of the new rule would be availed of in each instance. If this information is not given in the D.O. to the Res[t], they are sure to ask for it.

7) This information was also called for by His Highness.

26/1/10.

See 7)
24207/36 Books)
29.1.10 Dewan

29

56.

1) Vide a revised draft D.O. (X) GB 28/1/10
to the Residency

2) The Estimate of probable loss of Revenue has proceeded on wrong lines & is therefore not

(X) D.O. No. 664 S/1-2 to be issued from the Dewan's office. The Residency

Note—Contd. sheet.

GPB—55,000—27-4-09

G. R. S. 12
General and Revenue Secretariat.

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File No. 27 of 1908-09

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5. If x Rs is the amount of dead accounts i.e. the balances left undrawn by depositors at the time of their death the loss of Stamp Revenue by the proposed measure will be the Stamp Revenue calculated on x Rs for Succession Certificates -

If x Rs, if I were the aggregate balances of the 1000 less than the heavy sum is now competent to dispose of, then the real loss to Govt will be the loss of Stamp Revenue on x - y Rs -

How much will x - y be during say the ten years of the operation of the Regulation ? It is of course impossible to say - But it may be taken to be what x - y was during the past ten years - Calculate x - y for the past ten years -

Note - Letter 1 Oct 10

D

Nov 14

30

4. D.O. No. 664 dated the 1st July 1910 from the Secretary to the Resident forwarding a Copy of the Bill and stating that it is considered desirable to place it before the Legislative Council. Ld. Under Sec 6 of the Savings Banks Act the Court fee is always remitted when the amount of deposits belonging to deceased persons does not

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

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exceed Rs 1000. The question of stamp fee arises only in regard to deposits in pleadings Rs 1000 in amount. The information here the Court fee has to be levied irrespective of the amount and no remission seems to be possible in respect of the first Rs 1000, which if it was the sole claim, could have been paid without the levy of any stamp fee. Information may perhaps be obtained as to such duty levied for the past to ascertain as has been done for the past 5 years.

Put up for further orders.

NC 3/2/10 Coll 4.2.10

I think the above view is correct. The persons we have now got refer therefore only to deposits over a Thousand Rupees.

4/2/10

31

Sec'y

Advocate-General please speak to me

Petition No. 1418 dated the 26th February 1910 from Sale of Malka Mustafa

The Rs 1300 for 5 years or Rs 2734 per annum is the C/F 15/2/10.

Revenue from Court fee stamps Rs

State that the Resident sees no prima facie objection to the Bill being placed before the Legislative Council.

NOTE—Conen. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

Legis 18 of 1910-11

File No. 23 of 190 9

82

Serial No.

only as stated in the Registrar's letter. The question is whether we can assent to forego this Revenue? May we not direct the usual Stamp Duty Court fee amount when the deposit is repaid?

To Council

29 April

SH
29/4/10.

The fee is paid on succession certificates and when they are not required by law, there is no justification in principle for deducting anything out of the amount deposited. Indeed this would look very like a breach of faith with the depositor who is entitled to get back for himself or his heirs or nominees all that he has paid in with its interest. It must be observed that the succession certificate fee is not a deduction out of the deposited amount.

30/4/10

NOTE—Contn. sheet.

GPB—65,000—27.4.09

G. R. S. 12]
General and Revenue Secretariat.

Legn 18/1910-11 33
G.Z. File No. 237 of 1909-10

Serial No.

2056
4.5.10

What is proposed is to extend to the total amount of deposit the concession now allowed in respect of sums of Rs 1000 & below. We must be prepared to forego the stamp revenue in such cases as we now forego it in respect of the smaller amounts. The other alternative would be to order that applications for refunds of deposits should bear Court fee stamps of the value prescribed for succession Certificates. This aspect may be considered.

WH
4/5/10

Dewan

CB
4/5/10

33

The Legn's Contfee is a [illegible]

NOTE—Contn. sheet.

GPB—55,000—27.4.09

Legis 18 of 1909 384

Submitted to His Highness.

68 With reference to His Highness' order of the 8th September 1909 approving of the proposal to make Savings Bank Deposits payable to the nominees of depositors, I submit herewith the draft of a Bill to amend the Government Savings Bank Act, V of 1873, as in force in Mysore. The Residency has intimated that there is no objection to the draft Bill being placed before the Legislative Council.

(2) With reference to the enquiry contained in the latter part of the order, I beg to state that the amount of stamp duty realised during the past 5 years in respect of Probates, Letters of Administration, and heirship certificates for the recovery of Savings Bank Deposits of deceased depositors is reported to have been Rs.13,673-12-0 or an average of Rs.2,735 per annum. In view of the facts that a maximum limit of Rs.5,000 has been fixed for Savings Bank deposits, for which till now there was no limit, and that all depositors are not likely to avail themselves of the proposed provision and nominate their heirs, the actual loss

Legis-184/1910-11 35

of stamp duty may be considerably less than the above figure.

3. To avoid even this loss, the Treasury Officer could be authorised to deduct the stamp duty from the amount of the deposit to be repaid. The Second Councillor is not in favour of this. The First Councillor is also of opinion that "we must be prepared to forego the stamp revenue in such cases", but suggests another alternative, i.e. "to order that applications for refunds of deposits should bear Court fee stamps of the value prescribed for Succession certificates". All things considered I am of opinion that Government may forego the stamp revenue in such cases. As stated in my note dated 28th August 1909 "this will often relieve the families of deceased depositors from a great deal of pecuniary distress which they would otherwise have to face just when they are least in a position to do so, and this is an object worth some sacrifice of revenue on the part of the Government". At the same time if His Highness considers that there should be no sacrifice of revenue in the case, this end may be secured either by the Treasury Officer deducting the amount from the deposit at time of repayment, or by his getting the applicant

Legis 18 [illegible]

86

to stamp his application in the way mentioned in the First Councillor's note.

lu

P Brandathur
26 May 20

36

Legis 18 of 1910-11

379

144

Record of Cases submitted for the Orders of His Highness the Maharaja.

DATE 31-5-10
NO. 1220

Subject.

Draft of a Bill to amend the Mysore Government Savings Bank Act V of 1873 so as to make the deposits payable to the nominees of depositors.

Order.

No. 925. 69 I agree with the Dewan that Government may forego the Stamp revenue in these cases. KRW
2/6/10

Secy
3/6/10

37

KRW
6/6/10

6/6/10

2nd C has
Communicated
Interchange

20 Notice for amending
next meeting.
V/C has consented to
take charge of the
Bill. File to be
to him in time.

28/7/10

7/6/10

G.R.S. 12]
General and Revenue Secretariat.

File No. [illegible] of 1908-09

Serial No.

Sub: The Bill was placed before the Legislative Council at the meeting held on the 15th August 1910 and was adopted by that body at the meeting held on the 22nd Nov 1910. The Government of Andhra's sanction has now to be obtained for the Bill being passed into law.

I submit a draft letter to the Residency.

JKS (28) 28/11/10.

Let it be typed at once

28/11/10 SA

To a typed draft is submd

28/11/10 SA

38

See 7/ The draft may be approved.

908.

Decision through 2nd Dewan

CRJ 29/11/10

SA 30/11/10

30/11/10

9004 1.12.10

30/11/10 SA

Draft approved by the Dewan

2.12.10 SA

16 Issued CRJ 3/12/10

Note—Contn. sheet.

GPB—55,000—27.4.09

G. R. S. 12]
General and Revenue Secretariat.

Legs File No. 18 of 1910-11

39

Serial No.	
6	No PoC. 5536 dated 8/12/10 to the F. A. Resident: forwarding a copy of the Bill as finally passed by the Mysore Legis. Council and requesting that the sanction of the Govt of India may be obtained for passing the Bill into law.
7	No 680 dated 6th Feb: 1911 from the F. A. Resident stating that the Govt of India have approved of the draft Bill with the usual reservation under Art. 19 of the Instrument of Transfer.
	The Bill has to be finally passed by the legislative Council before being submitted for His sanction for promulgation of the same as law. Will be noted for consideration at the next meeting of the Leg. Council.
Yes. D.F.H.	9/2/11 SW(U)
	78. Submd to Dewan Sahib for info
	10/2/11
	10/2/11
	13.2.11

1458.

NOTE.—Contin. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. 19 of 19

Serial No.

(at the meeting held on the 27th April 1911)

Subject. The Bill has been finally passed by the Legislative Council. The Sanction of H. H. the Maharaja has now to be obtained for its being promulgated as law. Submitted with a copy for the Dewan's signature as required by Rule 52 of the Legve. Council Rules.

JMS (25) SW (11)
28/4/11.

28/4

28/4/11.

Dewan through 2nd Cr

28/4/11

83.

29/4

29/4/11

114 33
3. 5. 11

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Submitted to His Highness.

(1.) The draft Savings Banks Act Amendment Regulation which was approved by His Highness in order dated 2nd June 1910 has received the sanction of the Government of India (Residency letter No.680 dated 6th February 1911) and was finally passed by the Legislative Council at its meeting held on the 27th April 1911.

(2.) I solicit sanction to the bill being promulgated as law.

P. Bhandarkar
Dy 11

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

4.5.11
1971.

Promulgation of the draft Savings Bank Act Amendment Regulation as law.

674

85.

Order.

Sanctioned
K R W
9/5/11

Seen
9/5/11

K R W
13/5/11

13/5

86

13/5/11

G. R. S. 12]
General and Revenue Secretariat.

Legis File No. 18 of 1910 - 11

Serial No. 6

No. J 3134 dated 15/5/11
To the Compiler Mysore Gazette
Orders the publication of Regn
the Bill to amend the Govt Savings
Banks Act 1873 as applied to Mysore
as Regn II of 1911.
Submitted
8/. The spare copies have been received
and were compared.
Copies have to be sent to the
Residency as usual. A draft is
herewith put up
8/
6/6/11 SW(11)

8/. 2 Sdg
6/6/11

43

To The 2 A.G. Resident in Mysore No. IV
1074 J 5/6/1911
Forwards 10 Copies of the Regulation
No. II of 1911 amending the Govt Savings
Banks Act, 1873 as in force in Mysore

NOTE— Contn. sheet.

GPB—50,000—12-8-10

7. From the same No. 180 dated the 6th February 1911.

States that the Government of India have approved of the Bill subject to the usual reservation of powers under Sch 15 of the Instrument of Transfer.

8 To the Compiler Gazette, order No. 3134 dated the 15th May 1911.

Directs the publication of the Bill as Regulation No. II of 1911.

9. To the Ft. Resident in Mysore No. M 1074 of the 5th June 1911.

Forwards 10 copies of the Regulation.

Original

1910-11.

FILE No. 18 OF 1910-11.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE DEPARTMENT.

JUDICIAL AND LEGISLATIVE (LEGISLATION).

JUNE 1911.

"A" Collection: Serial Nos. 1—9.

Amendment of the Savings Banks Act, 1873, as in force in Mysore.

TABLE OF CONTENTS.

Serial No. of File	Number and date of letter and contents	Reference	Page in A Progs.
1	From the Comptroller in Mysore No. 3795—S. B. 751, dated the 7th January 1909. States that the proposal of Mr. T. Ananda Row, President, Mysore State Life Insurance Committee, to make Savings Banks deposits transferable and endorsable like the bonus of the insured is one which, if a dopted, is likely to afford facility to Savings Banks depositors, and that, if the proposal is agreeable to Government, a draft addenda to the Savings Banks Act and Rules will be prepared in consultation with the Government Advocate and submitted in due course.		
2	To the Registrar of the Chief Court of Mysore, No. J. 938, dated the 23rd September 1909. Requests him to favor Government with information as to the amount of Court fees realized during the past five years by Courts in the State on probates, letters of administration or certificates granted under the Succession Certificate Regulation, VII		

TABLE OF CONTENS

Serial No. of File	Number and date of letter and contents	Reference	Page in A
	of 1901, on account of deposits in Government Savings Banks.		
3	From the same, No. 2790—158, dated 11th January 1910. States that 247 applications were filed in the several Courts of the State in the above respect during the past five years and Rs. 13,672-12-0 were realised thereon.		1
4	D. O. Letter No. 664, dated the 1st February 1910. From T. Ananda Row, Esq., B.A., Dewan, to the Resident, S. M. Fraser, Esq., C.I.E. Forwards a copy of the Bill to amend the Government Savings Banks Act, 1873, and states that it will be placed before the Legislative Council in due course.		1
5	D. O. Letter No. 1118, dated the 22nd February 1910, from Major W. G. Grey, First Assistant Resident, to T. Ananda Row, Esq., B.A., Dewan. States that the Hon'ble the Resident sees no objection to the Bill being placed before the Legislative Council.		2
6	To the First Assistant Resident, No. Pol. 536, dated the 12th December 1910. Forwards a copy of the Bill as finally adopted by the Legislative Council and requests that the sanction of the Government of India may be obtained for the Bill being passed as law.		2
7	From the same, No. 680, dated the 6th February 1911. States that the Government of India have approved of the Bill subject to the usual reservation of power under Article 19 of the Instrument of Transfer.		3
8	To the Compiler, *Mysore Gazette*, Order No. J. 3134, dated the 15th May 1911. Directs the publication of the Bill as Regulation No. II of 1911.		3
9	To the First Assistant Resident in Mysore, No. Pol. 1074, dated the 5th June 1911. Forwards ten copies of the Regulation.		3

1910-11.

GENERAL AND REVENUE SECRETARIAT

JUDICIAL AND LEGISLATIVE (LEGISLATION).

FILE No. 18 of 1910-11.

Amendment of the Savings Banks Act, 1873, as in force in Mysore.

1. *From the Comptroller in Mysore, No. 3795—S. B. 751, dated the 7th January 1909.*

States that the proposal of Mr. T. Annanda Row, President, Mysore State Life Insurance Committee, to make Savings Banks Deposits transferable and endorsable like the bonus of an insured is one which, if adopted, is likely to afford facility to Savings Banks depositors, and that should the proposal be agreeable to Government, a draft addenda to the Savings Banks Act and Rules will be prepared in consultation with, Government Advocate and submitted for approval in due course.

1. Submitted with a copy of the Savings Banks Act, Mysore Government Savings Bank Rules and of Mysore State Life Insurance Scheme.

11-1-09.

2. No doubt the proposal affords great advantage to depositors but there is one point which has to be considered. While there can be no doubt that an insurance amount belongs to the insured person, who has absolute power of disposal over it, a deposit in the Savings Banks does not in every case belong to the depositor. To give him the proposed power of disposal would operate hardly on those who may have an interest in the deposited funds.

3. To obviate the abovementioned hardship, it may be necessary to reserve to Government the power to decline to pay the amount in accordance with the depositors' directions. In cases, however, where payment is to be made accordingly, the fact may be notified in the Gazette fixing a time within which objections will be heard.

4. Another aspect of the proposal is that it involves the loss of stamp revenue to Government, which would be payable on succession certificates.

5. It is also a point for consideration whether the concession would not tend to a great increase in the number of deposits, large and small, and thus impose additional work on the Savings Banks staff.

N. K.
21-1-09.

6. This is a matter mainly for consideration in Branch III. If it is decided to accept the proposal, the suggested amendment of Act V of 1873 may require the sanction of the Government of India and also reference to the Legislative Council. The Government of India Savings Banks Act does not seem to contain a provision of the kind now proposed and it is not clear if that Government would authorize legislation on the lines suggested in the Comptroller's letter.

7. The bonus of a policy holder does not seem to be transferable or endorsable and it is doubtful if Savings Bank deposits can be made negotiable. The only assignment that is permitted in respect of the bonus of a policy holder is that in favour of his family in the form of a nomination during his lifetime. Such a nomination in the case of Savings Banks deposits would no doubt have its own advantages and save the heirs of deceased depositors the trouble and expense involved in obtaining heirship certificates from Courts. But if such nomination should be permitted in the case of Savings Banks deposits, some points require consideration. It is not known if 'minor' depositors can be given the power to nominate. Again, if a deposit is ancestral property, any nomination in respect of it has to be made in a public manner, so that any payment made on the authority of such nomination may not be challenged. If the nomination is to be made publicly, a notification announcing it has to be published in the Gazette and any objection received to such nomination will have to be considered; and who is to consider them is also an important point. Such objections, from the very nature of the case, have to be considered by a Court of law. Again, a Savings Bank deposit is not a fixed amount and it may not be quite easy to make nominations in respect of a fluctuating amount, unless frequent changes in a nomination once made are made. The question may be referred for consideration in the Judicial and Legislative Branch.

M. N. KRISHNA RAO.
25-1-09.

8. The proposed rule refers only to payments to be made after the death of the depositor. There is no necessity, therefore, to discuss the question whether transfer during life, or 'negotiation,' or "endorsement" can be allowed.

9. If a depositor is allowed to make a nomination, about payment after his death, it does not necessarily follow that the production of an heirship certificate by the claimant would be unnecessary. Under Section 4 of the Indian Savings Bank Act, now in force in Mysore, the Treasury Officer can make payment to any one whom he considers to be entitled to the deposit after the death of the depositor, if the deposit does not exceed Rs. 1,000 and if, further, no one has produced a probate or letters of administration or certificate of heirship within three months of the death of the depositor. In the case of deposits above Rs. 1,000, certificates of heirship (or probate or letters of administration are quite necessary. Now, by allowing the depositor to make a nomination all that would be gained is that the Treasury Officer would have a clear expression of the depositor's desire to guide him as to whom he should make the payment under Section 4, in case no certificate is produced. It must, however, be admitted that this in itself is a tremendous gain, especially in the case of widows and minors who may happen to be the heirs of the deceased.

10. As regards deposits above Rs. 1,000, nomination would be ineffectual as certificates would still be necessary and even in the case of deposits below Rs. 1,000, nomination could be effectually defeated by some one else managing to produce a certificate within three months of the death of the depositor.

11. If it is intended that nomination should always be given effect to, then an amendment of the Savings Bank Act (1873) is necessary, by inserting a clause which would give complete immunity to the Treasury Officer who makes the payment according to the nomination.

12. If it is considered impracticable to do the above, then there is no harm in providing for nomination as in the case of insurance policies, as even then it confers no small benefit on the heirs. I have already alluded to one of them, *viz.*, the guidance to the Treasury Officer when he has to act under Section 4. Another advantage is, that when the case comes up before the Court in regard to the grant of a certificate, the Courts will, very likely, grant it to the nominee to the exclusion of the others, who may, if they feel aggrieved, go to a regular suit.

13. As regards the difficulty suggested in the above note about the deposit being ancestral property, I think it is hardly likely that any one would venture to publicly nominate the payee under those circumstances. But, even if he does, the fact is sure to come to the knowledge of the other persons interested and they can at once file a suit and recover their portions from the Bank. Further, in the majority of cases, it is the self-earnings of the man that are deposited.

14. There is nothing to be gained in extending the rule to minor depositors, for the guardian cannot always make a nomination that would be good at law.

15. To summarise:—

[A] (1) If nomination is allowed without making any change in the Act, it can be given effect to under Section 4 of the Savings Bank Act. In cases not falling under that section the chances are that the Courts would give effect to it, whenever possible, though not bound by it.

In either case the benefit accruing to the heirs would justify the introduction of the change.

[B] (2) If the Government desire that nomination should be compulsorily given effect to in all cases, then the India Savings Bank Act will have to be suitably modified.

(*Note.*—I do not know if it is assumed that nomination in the case of insurance policies does away with the necessity for production of certificates of heirship. So far as my knowledge goes, no such result follows, as the law has not been modified.)

S. HIRIYANNAIYA.
21-2-09.

I doubt the correctness of the remark. I do not think there is any necessity for succession certificate in the case of payment to nominees under the Mysore Insurance Rules.

K. S. CHANDRASEKHARA AIYAR.
15-2-09.

16. I agree with A above. I do not think that it is necessary to go so far as B.

J. S. CHAKRAVARTI,
Financial Secretary.
2-3-09.

17. To Council.

V. P. MADHAVA RAO.
8-3-09.

25. I fully agree with the 1st Councillor. The proposed change will soften the provision of law regarding the amount of deposit which may be returned without an heirship certificate.

26. Section 4 of the Savings Bank Act may be amended as proposed and Rules may be framed providing for the depositor registering the name of any person entitled to receive the money on the death of the depositor.

K. P. PUTTANNA CHETTY.
31-3-09.

27. Draft accordingly. Circulate to 2nd Councillor and bring up at Council meeting, please.

T. ANANDA ROW.
15-6-09.

28. Draft.

M. N. KRISHNA RAO.
17-6-09.

29. Submitted with a draft.

K. S.
29-6-09.

M. N. KRISHNA RAO.
5-7-09.

30. I am not sure if the procedure suggested is not too summary when such amounts as Rs. 5,000 are concerned. A Civil Court only, with its presiding officer trained in Civil Law and its powers and facilities of obtaining and recording evidence, can be entrusted with the task of determining as to who is entitled to receive the property or administer the estate of deceased persons. A departure from this principle is allowed only in respect of small amounts. Thus, under the Civil Account Code, salary and allowances claimed on behalf of a deceased officer should be paid to his heirs to the extent of Rs. 500 after such enquiry into the right and title of the claimants as the officer responsible for the payment may deem sufficient; but if the amount exceeds Rs. 500 then in every case the excess should be paid only to the person duly authorized to receive assets belonging to the estate of the deceased, *i.e.*, the person duly authorized by a Court of Law. Under the Mysore Service Regulations (Art. 531) the same rule applies to arrears of pension of a deceased pensioner and the limit in this case is also laid down at Rs. 500. To raise the limit in the case of Savings Banks deposits to Rs. 5,000 in the way suggested would, in my opinion, be undesirable. It would be throwing too much responsibility on the Treasury Officer; and though he would be protected by the law, there would be considerable risk of large sums going to wrong parties.

31. I respectfully adhere to the opinion that the changes referred to in my note of 24th March 1909, alone represent what can be and should be done in the matter.

J. S. CHAKRAVARTI.
12-7-09.

32. Circulated to Councillors. I have corrected at page 10 what I consider a mistake in the view taken by the Assistant Secretary, Branch III, as to the necessity for succession certificates in the case of payments of bonuses to nominees under the Insurance Rules. The payment in such a case is made under a special understanding or contract under which the nominee is virtually the real creditor in the event of the insured person dying before he attains the age of 55, and no succession certificate is necessary in such a case. However, the point is not one which directly concerns the question of Savings Bank Deposits.

K. S. CHANDRASEKHARA AIYAR.
15-7-09.

33. Seen.

K. P. PUTTANNA CHETTY,
First Councillor.
17-7-09.

34. Seen. In the changes proposed, I do not see anything about nomination by a depositor.

H. V. NANJUNDAYYA.
First Councillor.
23-7-09.

35. Include in list of pending council subjects.

K. S. CHANDRASEKHARA AIYAR.
24-7-09.

36. VII. *Subject—Clauses (ii) and (viii) of Schedule.*—Proposal to make Government Savings Bank deposits payable to the nominees of depositors.

18. The opinion of the Government Advocate may be obtained.

K. P. PUTTANNA CHETTY,
Second Councillor.
11-3-09.

19. Forwarded to the Government Advocate.

M. N. KRISHNA RAO,
For Fin. Secretary.
11-3-09.

20. (1) The letter of the Comptroller contains two proposals, namely, (1) that the Mysore Government Savings Bank deposits may be "made transferable and endorsable" and (2) that the Savings Bank depositors may be allowed to nominate any persons as their heirs to whom the amount to their credit may be paid after their death.

(2) The main object of Government in establishing Savings Banks is, I think, to encourage and foster the qualities of thriftiness and prudence in the poorer section of the subjects of the State by providing for a safe mode of investing their small savings and making the amount thus deposited carry a small rate of interest. The proposal (1) is certainly inconsistent with this object.

(3) The Savings Bank deposits, evidenced by a Pass-Book issued to the depositor, form an open and current-account. It is not clear whether each deposit, at the time of making it, or the total balance in favour of the depositor at any given time, that is intended to be made "transferable and endorsable." In either case, many difficulties present themselves in working out the idea, and any mode that may be suggested for obviating these difficulties will defeat the original object of Government in instituting the system of Savings Bank by rendering it a mercantile business of a very complicated kind.

(4) The effect of rendering a deposit account in the Savings Bank "transferable and endorsable," if unobjectionable on other grounds, will be to render the Pass-Book a negotiable instrument. It will then assume the nature of a currency note carrying interest or stock note, negotiable either by mere delivery or by an endorsement, and may perhaps clash with the policy of the Government of India in the matter of paper currency.

(5) Supposing all these circumstances are overcome, the change or improvement in proposal (1) cannot, in my opinion, be made without a fresh legislation and the approval of the Government of India.

(6) As to the proposal (2) I am of opinion that no fresh legislation is necessary to make the deposit amount payable to a nominee of the depositor, in cases in which the last balance due at the death of the depositor does not exceed Rs. 1000. Any rules framed. [A] by Government in this respect will take the form of instructions issued to the Treasury Officer in the exercise of the discretion vested in him under Section 4 of the Savings Bank Act. [B] But when such balance exceeds Rs. 1,000 the obtaining of a succession certificate cannot be dispensed with except under a fresh legislation.

S. NARAYANA RAO,
Government Advocate.
15-3-09.

21. This may be recirculated to the 1st Councillor and the Financial Secretary.

K. P. PUTTANNA CHETTY.
20-3-09.

22. I think it will be sufficient if rules are framed allowing nomination and necessary instruction given to Treasury Officers as suggested at A in Government Advocate's note.

23. Fresh legislation for cases in which the deposit exceeds Rs. 1,000 or for making Savings Banks deposits transferable and endorsable to any greater extent does not seem to be called for.

J. S. CHAKRAVARTI.
24-3-09.

24. I think that Section 4 of the Savings Bank Act may be amended as follows :—

For	*Read*
(1) One thousand rupees	Five thousand rupees.
(2) Three months	Six months.

And further, that rules may be made whereby, in considering the claims of persons "appearing to him to be entitled to receive it or to administer the estate of the deceased", the Treasury Officer may give preference to a nominee whose name the depositor may have registered in the office of the Treasury Officer in manner to be prescribed.

T. ANANDA ROW,
First Councillor.
28-3-09.

25. I fully agree with the 1st Councillor. The proposed change will soften the provision of law regarding the amount of deposit which may be returned without an heirship certificate.

26. Section 4 of the Savings Bank Act may be amended as proposed and Rules may be framed providing for the depositor registering the name of any person entitled to receive the money on the death of the depositor.

K. P. PUTTANNA CHETTY.
31-3-09.

27. Draft accordingly. Circulate to 2nd Councillor and bring up at Council meeting, please.

T. ANANDA ROW.
15-6-09.

28. Draft.

M. N. KRISHNA RAO.
17-6-09.

29. Submitted with a draft.

K. S.
29-6-09.

M. N. KRISHNA RAO.
5-7-09.

30. I am not sure if the procedure suggested is not too summary when such amounts as Rs. 5,000 are concerned. A Civil Court only, with its presiding officer trained in Civil Law and its powers and facilities of obtaining and recording evidence, can be entrusted with the task of determining as to who is entitled to receive the property or administer the estate of deceased persons. A departure from this principle is allowed only in respect of small amounts. Thus, under the Civil Account Code, salary and allowances claimed on behalf of a deceased officer should be paid to his heirs to the extent of Rs. 500 after such enquiry into the right and title of the claimants as the officer responsible for the payment may deem sufficient; but if the amount exceeds Rs. 500 then in every case the excess should be paid only to the person duly authorized to receive assets belonging to the estate of the deceased, *i.e.*, the person duly authorized by a Court of Law. Under the Mysore Service Regulations (Art. 531) the same rule applies to arrears of pension of a deceased pensioner and the limit in this case is also laid down at Rs. 500. To raise the limit in the case of Savings Banks deposits to Rs. 5,000 in the way suggested would, in my opinion, be undesirable. It would be throwing too much responsibility on the Treasury Officer ; and though he would be protected by the law, there would be considerable risk of large sums going to wrong parties.

31. I respectfully adhere to the opinion that the changes referred to in my note of 24th March 1909, alone represent what can be and should be done in the matter.

J. S. CHAKRAVARTI.
12-7-09.

32. Circulated to Councillors. I have corrected at page 10 what I consider a mistake in the view taken by the Assistant Secretary, Branch III, as to the necessity for succession certificates in the case of payments of bonuses to nominees under the Insurance Rules. The payment in such a case is made under a special understanding or contract under which the nominee is virtually the real creditor in the event of the insured person dying before he attains the age of 55, and no succession certificate is necessary in such a case. However, the point is not one which directly concerns the question of Savings Bank Deposits.

K. S. CHANDRASEKHARA AIYAR.
15-7-09.

33. Seen.

K. P. PUTTANNA CHETTY,
First Councillor.
17-7-09.

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H. V. NANJUNDAYYA.
First Councillor.
23-7-09.

35. Include in list of pending council subjects.

K. S. CHANDRASEKHARA AIYAR.
24-7-09.

36. VII. *Subject—Clauses (ii) and (viii) of Schedule.*—Proposal to make Government Savings Bank deposits payable to the nominees of depositors.

OPINION.

It is desirable to make provision for nominations by depositors being recognized for the purpose of payment of Savings Bank deposits upon their death as in the case of insurance bonuses. Any legislation necessary for this purpose may be undertaken.

T. ANANDA ROW,
Dewan of Mysore.

Submitted to His Highness.

37. These papers relate to a proposal made by me when President of the Insurance Committee, that the privilege allowed to policy holders under the State Life Insurance Scheme of nominating during their lifetime the person or persons to whom the bonus due on their policies after their death is to be paid without the necessity for producing probate of will or letters of administration, may be extended to the depositors in Mysore Government Savings Banks. Under Section 4 of the Government Savings Banks Act, 1873 (which is applicable to Mysore), when a depositor dies leaving in a Government Savings Bank Rs. 1,000 or under and if probate of his will or letters of administration of his estate or a certificate under the Seccession Act be not produced to the Treasury Officer of such Bank within three months of the death of the depositor, the Treasury Officer may pay the money to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased. The proposal is (1) to remove the money limit and (2) to authorize the Treasury Officer to pay the amount to any person nominated by the depositor during his lifetime and registered in the office of the Treasury Officer, and failing such nomination, to the person who appears to the Treasury Officer entited to receive it.

(2) The question having been considered in Council, the Council is of opinion that it is desirable to make provision for such nominations and that any legislation necessary for the purpose may be undertaken. If this is approved by His Highness, the details of the legislation necessary will be considered and a draft Bill will be submitted. If legislation is to be undertaken, it will be necessary to obtain the approval of the Government of India. It may be noted that the chief effect of the proposed legislation will be the loss to Government of a certain amount of stamp duty which has now to be paid on heirship certificates; but it will often relieve the families of deceased depositors from a great deal of pecuniary distress which they would otherwise have to face just when they are least in a position to do so and this is an object worth some sacrifice of revenue on the part of Government.

(3) There was also a proposal to make Savings Banks deposits transferable and endorsable, but the Government Advocate is of opinion that this is undesirable, and the proposal has been dropped.

T. ANANDA ROW,
Dewan of Mysore.
28-8-09.

Order.

38. I approve of the principle underlying the Dewan's proposal. A draft Bill may be prepared to give effect to the same. I do not know whether it would be possible to estimate the amount of stamp duty that will be lost to Government if the proposal be carried out, but I should be glad if possible to be furnished with figures on this point.

K. R. W.
8-9-09.

39. (1) Put up draft, with statement of objects and reasons.
(2) Put up letter to Residency.
(3) Get information as to stamp duty.

K. S. CHANDRASEKHARA AIYAR.
13-9-09.

40. Submitted. As directed in person, a draft of a letter to the Registrar of the Chief Court is submitted for approval, regarding point No. (3), with drafts of a Bill and statement of objects and reasons therefor, point No. 1. It is not known whether a letter has to be sent now to the Residency, see point No. 2. Perhaps a D. O. letter is meant giving intimation to the Residency of the Durbar's intention to introduce the bill. If so, a draft will be put up, after the draft Bill and statement of objects and reasons are approved.

T. K. S.
22-9-09.

S. N.
23-9-09.

41. Issue the draft to the Chief Court at once and send up the file again.

S. HIRIYANNAIYA.
23-9-09.

2. To the Registrar, Chief Court, No. J. 938, dated 23rd September 1909.

Requests him to favour Government with information as to the amount of court fees realized during the past five years by courts in the State on probates, letters of administration or certificates granted under the Succession Certificate Regulation, VII of 1901, on account of deposits in Government Savings Banks.

42. The drafts originally put up have been revised in the light of instructions personally received from the Secretary.

43. The draft bill put up does not seem to require any explanation. Only two remarks need be made :—

(1) The provision regarding nomination is not extended to deposits belonging to minors, as the power to do so cannot safely be entrusted either to the minor or his guardian.

(2) Section 8 of the Savings Bank Act which allows a deduction of court fees in regard to applications for certificates of heirship, etc., up to a limit of Rs. 1,000 has been retained as it did not appear quite necessary to take away an existing privilege and as further the occasion for the practical operation of the section will be very rare in view of the amendments we are going to adopt.

44. The usual draft to the Residency and a statement of objects and reasons are put up.

The words "Treasury Officer of such Bank" in the copy of the Savings Banks Act put up is a mistake for "Secretary." See Mysore Code Vol. I, pp. 341, 342.

S. HIRIYANNAIYA.

8-10-09.

45. The Bill proposed goes far beyond the terms of the resolution in Council. I am not quite sure if this was the intention of the Dewan's note submitted to His Highness. The effect of the present proposal is to do away altogether with the necessity to produce a succession certificate in any case. This seems opposed also to Dewan's note (as 1st Councillor), dated 28th March 1909.

46. It seems to me that this question should be cleared up before proceeding further.

H. V. NANJUNDAYYA.

Second Councillor.

12-10-09.

47. I think so too. Here below is typed the draft of a section which may appear by itself and bear the No. 4 A, to come between 4 and 5.

T. ANANDA ROW.

19-12-09.

4 A. Notwithstanding anything contained in Section 4 or in the Indian Succession Act, X of 1865, or the Mysore Succession Certificate Regulation, VII of 1901, or any other law for the time being in force, if a depositor dies leaving any sum of money in a Government Savings Bank, the Secretary of such Bank may pay the same to the person nominated by the depositor during his lifetime and registered in the office of the Secretary under rules to be made by Government in this behalf; provided that such nomination shall not be allowed in the case of deposits belonging to minors.

T. ANANDA ROW.

19-12-09.

48. I think that this draft is unexceptionable and may be adopted.

H. V. NANJUNDAYYA.

15-1-10.

49. Put up revised draft D. O. to the Residency and statement of objects and reasons.

S. HIRIYANNAIYA.

17-1-10.

50. Draft of a Bill and statement of objects and reasons suitably revised are submitted for approval and will be got typed after approval. The D. O. to the Residency does not seem to require any alteration.

51. Information has also been received as to the stamp fees realized during the past five years on probates, letters of administration or certificates under the Succession Certificate Regulation, for the recovery of deposits in Government Savings Banks belonging to deceased depositors. The number of applications received on the account was 247 and the fees realized Rs. 13,673-12-0. The information was ordered to be obtained by His Highness the Maharaja. The Chief Court's letter is entered below.

3. From the Registrar of the Chief Court of Mysore, No. 2790-158, dated 11th January 1910.

States that the number of applications filed in the State during the past five years in respect of probates, letters of administration or certificates of heirship for the recovery of Savings Bank deposits of deceased depositors was 247 and the court fee realized Rs. 13,672-12-0.

Submitted for further orders.

T. K. S.
21-1-10.

S. N.
21-1-10.

52. Typed drafts as approved by the Assistant Secretary are now submitted.

T. K. S.
25-1-10.

53. The drafts put up, *viz.*, D. O. letter to the Residency and the statement of objects and reasons may be approved.

54. In the letter to the Residency I have inserted the information regarding the probable amount of the loss of stamp revenue incidental on the adoption of the proposed amendment, which, it will be seen, is very small, *viz.*, not more than Rs. 2,700 per annum. The actual loss will probably be much less as the case of minors has been excluded and as it is unlikely that the benefit of the new rule would be availed of in each instance. If this information is not given in the D. O. to the Residency they are sure to ask for it.

55. This information was also called for by His Highness.

S. HIRIYANNAIYA.
26-1-10.

56. *Vide* a revised draft of D. O. to the Residency.

C. S. BALASUNDARAM IYER,
28-1-10.

0 0 0

57. The estimate of probable loss of revenue has proceeded on wrong lines and is therefore not helpful.

58. If X Rs. is the amount of dead accounts, *i.e.*, the balances left undrawn by depositors at the time of their death, the loss of stamp revenue to Government by the proposed measure would be the stamp revenue calculated on X Rs. for succession certificates.

59. Of X Rs., if Y were the aggregate of balances of Rs. 1,000 and less, what the Treasury Officer is now competent to dispose of, then the real loss to Government would be the loss of stamp revenue on X—Y Rs.

60. How much will X—Y be during, say, the ten years following the adoption of the Regulation? It is, of course, not possible to say. But it may be taken to be what X—Y was during the past ten years. Calculate X—Y for the past ten years and note.

T. ANANDA ROW,
Dewan.
1-2-10.

61. Branch III for note.

C. S. BALASUNDARAM IYER.
3-2-10.

4. D. O. No. 664, dated the 1st February 1910, from the Dewan to the Resident.

Forwards a copy of the bill and states that it is intended to place it before the Legislative Council.

S. HIRIYANNAIYA.
3-2-10.

62. Submitted. Under Section 8 of the Savings Banks Act, the court fee is always remitted when the amount of deposit belonging to deceased persons does not exceed Rs. 1,000. The question of stamp fee arises only in regard to deposits exceeding Rs. 1,000 in amount. Here the court fee has to be levied irrespective of the amount and no remission seems to be possible in respect of the first sum of Rs. 1,000 included therein which if it was the sole claim, could have been paid without the levy of any stamp fee. Information may perhaps be obtained as to such duty levied for the past ten instead of, as has been done, for the past five years.

Submitted for further orders.

J. K. S.
3-2-10.

S. N.
4-2-10.

63. I think the above view is correct. The figures we have now got reference therefore only to deposits *over a thousand rupees*.

S. HIRIYANNAIYA.
4-2-10.

64. Assistant Secretary to please speak to me.

T. ANANDA ROW.
14-2-10.

5. D. O. No. 1118, dated the 22nd February 1910, from Major W. G. Grey, First Assistant to the Hon'ble the Resident.

States that the Resident sees no *prima facie* objection to the bill being placed before the Legislative Council.

65. I see I made a mistake.

The Rs. 13,673 for five years or Rs. 2,734 per annum is the Chief Revenue from certificate for Savings Bank deposits only as stated in the Registrar's letter. The question is whether we can afford to forego this revenue. May we not direct the Treasury Officer to deduct court fee amount when the deposit is repaid ?

T. ANANDA ROW.
29-4-10.

66. The fee is paid on succession certificates and when they are not required by law, there is no justification in principle for deducting anything out of the amount deposited. Indeed this would look very like a breach of faith with the depositor who is entitled to get back for himself or his heirs or nominees all that he has paid in with its interest. It must be observed that the succession certificate fee is *not* a deduction out of the deposited amount.

H. V. NANJUNDAYYA.
30-4-10.

67. What is proposed is to extend to the total amount of deposit the concession now allowed in respect of sums of Rs. 1,000 and below. We must be prepared to forego the stamp revenue in such cases as we now forego it in respect of the smaller amounts. The other alternative would be to order that applications for refunds of deposits should bear court fee stamps of the value prescribed for succession certificates. This aspect may be considered.

K. P. PUTTANNA CHETTY.
4-5-10.

Submitted to His Highness.

68. With reference to His Highness' order of the 8th September 1909 approving of the proposal to make Savings Bank deposits payable to the nominees of depositors, I submit herewith the draft of a Bill to amend the Government Savings Bank Act, V of 1873, as in force in Mysore. The Residency has intimated that there is no objection to the draft Bill being placed before the Legislative Council.

(2) With reference to the enquiry contained in the latter part of the order, I beg to state that the amount of stamp duty realised during the past five years in respect of probates, letters of administration, and heirship certificates for the recovery of Savings Bank deposits of deceased depositors is reported to have been Rs. 13,673-12-0 or an average of Rs. 2,735 per annum. In view of the facts that a maximum limit of Rs. 5,000 has been fixed for Savings Bank deposits, for which till now there was no limit, and that all depositors are not likely to avail themselves of the proposed provision and nominate their heirs, the actual loss of stamp duty may be considerably less than the above figure.

(3) To avoid even this loss, the Treasury Officer could be authorised to deduct the stamp duty from the amount of the deposit to be repaid. The Second Councillor is not in favour of this. The First Councillor is also of opinion that "we must be prepared to forego the stamp revenue in such cases," but suggests another alternative, *i.e.*, "to order that applications for refunds of deposits should bear court fee stamps of the value prescribed for succession certificates." All things considered I am of opinion that Government may forego the stamp revenue in such cases. As stated in my note dated 28th August 1909, "this will often relieve the families of deceased depositors from a great deal of pecuniary distress which they would otherwise have to face just when they are least in a position to do so, and this is an object worth some sacrifice of revenue on the part of the Government." At the same time

80. Seen.

T. ANANDA ROW.
16-2-11.

81. The Bill has been finally passed by the Legislative Council (at the meeting held on the 27th April 1911). The sanction of His Highness the Maharaja has now to be obtained for its being promulgated as law. Submitted with a copy for the Dewan's signature as required by Rule 52 of the Legislative Council Rules.

T. K. S.
28-4-11.
S. N.
28-4-11.

S. HIRIYANNAIYA.

82. Dewan through 2nd Councillor.

C. S. BALASUNDARAM IYER.
28-4-11.

83.

H. V. NANJUNDAYYA.
29-4-11.

Submitted to His Highness.

84. The draft Savings Banks Act Amendment Regulation which was approved by His Highness in order dated 2nd June 1910 has received the sanction of the Government of India (Residency letter No. 680, dated 6th February 1911) and was finally passed by the Legislative Council at its meeting held on the 27th April 1911.

(2) I solicit sanction to the Bill being promulgated as law.

T. ANANDA ROW.
4-5-11.

Order.

85. Sanctioned.

K. R. W.
9-5-11.

86. Issue order.

S. HIRIYANNAIYA.
13-5-11,

8. No. J. 3134, *dated 15th May* 1911, *to the Compiler, Mysore Gazette.*

Orders the publication of the Bill to amend the Government Savings Banks Act, 1873, as applied to Mysore as Regulation II of 1911.

87. Submitted. The spare copies have been received and were compared.
Copies have to be sent to the Residency as usual. A draft is herewith put up.

S. V. S.
6-6-11.
S. N.
6-6-11.
Issue.

S. HIRIYANNAIYA.
6-6-11.

9. To the First Assistant to the Hon'ble the Resident in Mysore, Pol. No. 1074, *dated 5th June* 1911.

Forwards 10 copies of Regulation No. II of 1911, amending the Government Savings Banks Act, 1873, as in force in Mysore.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Amendment of the Savings Banks Act, 1873, as in force in Mysore.

File No. 18 of 1910-11.

Letter No. 3795—S. B. 751, dated Bangalore, 7th January 1909, from J. S. Chakravarti Esq., M.A., F.R.A.S., etc., Comptroller to the Govt. of His Highness the Maharaja of Mysore, to the Secretary to the Government of Mysore, Financial Department.

Serial No. 1.

I have the honor to state that Mr. T. Ananda Row, President of the Mysore State Life Insurance Committee, has suggested that the Mysore Government Savings Bank Deposits may, like the bonus of an insured, be made transferable and endorsable. Though there is actually no comparison between an Insurance bonus and a Savings Bank deposit, the latter being money on hand which can be disposed of, in any manner the depositor wishes, the former (Insurance bonus) being money expected *not immediately* but only on the happening of a specified event (*i.e.*, of the insured attaining 55 years of age or at his death), yet the proposal is one which, if adopted, is likely to afford facility to Savings Bank depositors.

2. It is proposed that such of the Savings Bank depositors as may be so disposed, should, when opening their accounts or at any later time, deposit with the Treasury a properly written and duly attested document naming the person or persons to whom the balance of deposit, if any, with interest should be paid after their death and the proportion in which each nominee should be paid, in case there are more than one nominee.

3. This will render necessary, some alterations in the Savings Bank Act and Rules. Should the proposal be agreeable to Government, a draft addenda to the Savings Bank Act and Rules will be prepared in consultation with the Government Advocate and submitted for approval in due course.

Letter No. J. 938, dated 23rd September 1909, from the Secretary to Government, General and Revenue Departments, to the Registrar, Chief Court of Mysore, Bangalore.

Serial No. 2.

I am directed to request the favour of your furnishing Government with information as to the amount of court fees realised during the past five years by courts in the State on probates, letters of administration or certificates of heirship granted under the Succession Certificate Regulation, VII of 1901, for the recovery of Savings Bank deposits belonging to deceased depositors of money in Government Savings Banks. An early reply is requested.

Letter No. 2790—158, dated 11—13th January 1910, from V. A. Rajaratna Mudaliar, Esq., Registrar, Chief Court of Mysore, to C. S. Balasundaram Iyer, Esq., Officiating Secretary to the Government of Mysore, General and Revenue Departments.

Serial No. 3.

Adverting to your letter No. J. 938—G. P. 237-08, dated the 23rd September 1909, I am directed to state for the information of Government that the number of applications filed in the State during the past five years in respect of probates, letters of administration or certificates of heirship under the Succession Certificate Regulation, VII of 1901, for the recovery of Savings Bank deposits of deceased depositors was 247 and the court fee realized thereon during the said period, Rs. 13,673-12-0.

D. O. No. 664, dated Mysore, 1st February 1910, from the Dewan, to the Resident, the Hon'ble S. M. Fraser, Esq., C.I.E.

Serial No. 4.

I forward herewith a copy of a Bill to amend the Mysore Government Savings Banks Act, V of 1873, to provide for a depositor nominating the person to whom such depositor would desire his deposit money to be paid after his death.

2. Under Section 4 of the Savings Banks Act, the Treasury Officer is authorized to pay deposits not exceeding Rs. 1,000 to the legal heir of the deceased without insisting on the production of a regular succession certificate or other court order. It is proposed to extend this principle to all cases in which the depositor nominates an heir for receiving money remaining in the Savings Bank to the credit of the deceased depositor at the time of his death. The proposed provision will relieve the nominee of the deceased depositor from the pecuniary distress and trouble of having to resort to the court at a time when he is probably least able to do so.

3. The only inconvenience to Government which would arise from the proposed measure would be the loss of stamp revenue which would otherwise accrue if proceedings to obtain a succession certificate were instituted for recovering deposits in excess of one thousand rupees. It is not possible to estimate this revenue with any precision but it is believed that the amount must be very small while public convenience by the adoption of the measure would be greatly promoted.

4. The provision regarding nomination now proposed is analogous to that which exists in regard to nominations for receipt of bonuses assured by policies issued under the State Life Insurance Rules, a copy of which is herewith enclosed for reference (*vide* Rule 23).

5. It is proposed to place the accompanying Bill before the Mysore Legislative Council.

A Bill to amend the Government Savings Banks Act, 1873.

Preamble.

Whereas it is expedient to amend the Government Savings Banks Act, V of 1873, as applied to Mysore by Notification of the Government of India Foreign Department, Judicial No. 118, dated the 23rd June 1873; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a new section after Sec. 4.

1. The following shall be inserted after Section 4 as Section 4 A, namely:—

Payment to nominees in certain cases.

"4 A. Notwithstanding anything contained in Section 4 or in the Indian Succession Act, X of 1865, or the Mysore Succession Certificate Regulation, VII of 1901, or any other law for the time being in force, if a depositor dies leaving any sum of money in a Government Savings Bank, the Secretary of such Bank may pay the same to the person nominated by the depositor during his lifetime and registered in the office of the Secretary under rules to be made by Government in this behalf; provided that such nomination shall not be allowed in the case of deposits belonging to minors."

Statement of objects and reasons.

Under Section 4 of the Government Savings Banks Act, 1873, as applied to Mysore by the Government of India Notification, Foreign Department, Judicial No. 118, dated the 23rd June 1873, when a depositor dies leaving in a Government Savings Bank rupees one thousand or under, the Secretary of such Bank may, if no probate of the depositor's will, or letters of administration to his estate or a certificate under Act XXVII of 1860 or under Regulation VII of 1901 (the Succession Certificate Regulation) is produced within three months of the death of the depositor, make payment of the deposit to any person appearing to him to be entitled to receive it or to administer the estate of the deceased. But, if the deposit exceeds rupees one thousand, payment can be made to the heirs of the deceased only on the production of a succession certificate, or probate of a will or letters of administration. This necessarily involves a certain amount of expenditure to the families of the deceased depositors at a time when they are least able to meet it. With a view to give them relief from these pecuniary burdens, it is proposed to amend the Act by providing on the analogy of the State Life Insurance Rules, for nomination by depositors during their lifetime of the person or persons to whom they would desire payment to be made after their death. This procedure will enable the Secretary of the Bank to pay the amount of the deposit to the person or persons nominated before-hand by the depositor, and thus obviates the necessity of the heirs having to seek the aid of the courts for recovery of the deposits.

For obvious reasons, it is not proposed to extend the provision regarding nomination to deposits belonging to minors.

D. O. No. 1118, dated 22nd February 1910, *from Major W. G. Grey, First Assistant Resident in Mysore, to T. Ananda Row, Esq., B.A., Dewan.*

Serial No. 5.

I am desired to acknowledge the receipt of your D. O. letter No. 664, dated the 1st February 1910, forwarding a copy of a Bill to amend the Mysore Government Savings Banks Act, V of 1873, and in reply, to state that the Resident sees no *primâ facie* objection to the draft Bill being placed before the Legislative Council as proposed.

Letter No. 536, dated Bangalore, 8th December 1910, from C. S. Balasundaram Iyer, Esq., B.A., Offg. Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments, to P. B. Warburton, Esq., I.C.S., First Assistant to the Hon'ble the Resident in Mysore.

Serial No. 6.

I am directed to forward herewith a copy of a Bill to amend the Government Savings Banks Act, 1873, as applied to Mysore by the Notification of the Government of India, Foreign Department, Judl. No. 118, dated the 23rd June 1873, together with a statement of objects and reasons explaining the nature and scope of the Bill.

2. As will be seen therefrom, the Bill is intended mainly to relieve the families of deceased depositors from pecuniary distress at a time when they are least able to face it.

The provision regarding nomination is analogous to that contained in Rule 23 of the State Life Insurance Rules, a copy of which is enclosed for ready reference.

3. The effect of the proposed legislation will be the loss to the Durbar of a small amount of stamp revenue, but they consider that the great relief afforded to people at a time of distress is an object worth some sacrifice.

4. The Bill was placed before the Legislative Council at the meeting held on the 15th August 1910 and was adopted by that body at the meeting held on the 22nd November 1910.

5. I am now to request that the sanction of the Government of India may be obtained for the Bill being passed into law.

A Bill to amend the Government Savings Banks Act, 1873.

Preamble. Whereas it is expedient to amend the Government Savings Banks Act, V of 1873, as applied to Mysore by Notification of the Government of India, Foreign Department, Judicial, No. 118, dated the 23rd June 1873; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a new section after Section 4. 1. The following shall be inserted after Section 4, as Section 4 A, namely:—

Payment to nominees in certain cases. "4 A. Notwithstanding anything contained in Section 4 or in the Indian Succession Act, X of 1865, or the Mysore Succession Certificate Regulation, VII of 1901, or any other law for the time being in force, if a depositor dies leaving any sum of money in a Government Savings Bank, the Secretary of such Bank may pay the same to the person nominated by the depositor during his lifetime and registered in the office of the Secretary under rules to be made by Government in this behalf; provided that such nomination shall not be allowed in the case of deposits belonging to minors.

Letter No. 680, dated 6th February 1911, from P. B. Warburton, Esq., I.C.S., First Assistant to the Resident in Mysore, to the Dewan of Mysore.

Serial No. 7

I am directed to reply to Mr. Balasundaram Iyer's letter Pol. No. 536, dated the 8th December 1910, forwarding a draft Bill to amend the Mysore Government Savings Banks Act, 1873 (V of 1873).

2. The draft Bill is approved by the Government of India on the condition that the Governor-General in Council retains over it the power and authority which vests in him by virtue of Article 19 of the Instrument of Transfer.

No. J. 3134—Legis. 18-10, dated 15th May 1911.

Serial No. 8.

ORDER THEREON.—Ordered that the Bill to amend the Government Savings Banks Act, 1873, as applied to Mysore, which received the assent of His Highness the Maharaja on the 9th May 1911, be published for general information.

To the Compiler, *Mysore Gazette*, for publication of the Bill as Regulation No. II of 1911 (copy enclosed) in Part III of the Gazette in English and Canarese.

Letter Pol. No. 1074, dated the 8th June 1911, from the Secretary to Government, General and Revenue Departments, to the First Assistant to the Resident, Bangalore.

Serial No. 9.

I am directed to forward herewith a copy of Regulation No. II of 1911, a Regulation to amend the Government Savings Banks Act, 1873, as in force in Mysore with 9 spare copies and to request that a copy may, as usual, be forwarded to His Highness the Nizam's Government.

REGULATION No. II OF 1911.

(Received the assent of His Highness the Maharaja on the 9th day of May 1911.)

A Regulation to amend the Government Savings Banks Act, 1873.

Preamble. Whereas it is expedient to amend the Government Savings Banks Act, V of 1873, as applied to Mysore by Notification of the Government of India, Foreign Department, Judicial No. 118, dated the 23rd June 1873; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a new section after Section 4. 1. The following shall be inserted after Section 4, as Section 4 A, namely:—

Amendment of Savings Banks Act, 1873, as in force in Mysore.

"4 A. Notwithstanding anything contained in Section 4 or in the Indian Succession Act, X of 1865, or the Mysore Succession Certificate Regulation, VII of 1901, or any other law for the time being in force, if a depositor dies leaving any sum of money in a Government Savings Bank, the Secretary of such Bank may pay the same to the person nominated by the depositor during his lifetime and registered in the office of the Secretary under rules to be made by Government in this behalf; provided that such nomination shall not be allowed in the case of deposits belonging to minors.

Payment to nominees in certain cases.

T. ANANDA ROW,
Dewan.

Legis 1881/1910-11 62284
sen (1)
Gen Fin 23/48

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted.

Letter No. 3795
SB. 75-1

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 7 January *1909.*

FROM

J. S. CHAKRAVARTI, ESQ., M.A., F.R.A.S., etc,.
Comptroller to the Govt. of
His Highness the Maharaja of Mysore.

To

....., ~~Esq.~~,
The *Secretary to the Government of Mysore,*
F.I.N.A.N.C.I.A.L ..... *Department.*

SIR,

I have the honour to state that Mr. T. Ananda Rao, President of the Mysore State Life Insurance Committee, has suggested that the Mysore Government Savings Bank Deposits may, like the bonus of an insured, be made transferable and endorsable. Though there is actually no comparison between an Insurance bonus and a Savings Bank deposit, the ... latter being money on hand which can be disposed of in any manner the depositor wishes, the former (Insurance bonus) being money expected not immediately but only on the happening of a specified event (i.e. of the insured attaining 55 years of age or at his death), yet the proposal is one which, if adopted, is likely to afford facility to Savings Bank .. depositors.

2. It is proposed that such of the Savings Bank depositors as may be so disposed, should, when opening their accounts or at any later time, deposit with the Treasury a properly written and duly attested .. document naming the person or persons to whom the balance of deposit, if

(2)

any, with interest should be paid after their death and the proportion in which each nominee should be paid, in case there are more than one nominee.

3. This will render necessary, some alterations in the Savings Bank Act and Rules. Should the proposal be agreeable to Government, a draft addenda to the Savings Bank Act and Rules will be prepared in con- - sultation with the Government Advocate and submitted for approval in due course.

I have the honour to be,

Sir,

Your most obedient servant,

J.S. Chakravarti

Comptroller.

BR

G.R.S. 26]

Legis File No. 18-10 Serial No. 2

Diary No. of letter replied to 2284

No 1938 Legis
~~G.R.S.237-08.~~

General and Revenue Secretariat
( )
, *the* 190

To The Registrar,
Chief Court of Mysore
Bangalore.

Date of issue 23-9-09.

Sir -

Signed by Mr. S. Hiriyannaiya

I am directed to request the favour of your furnishing Govt. with information as to the amount of Court fees realised during the past 5 years by Courts in the State on probate, letters of administration ~~bonds~~ or Certificates granted under the Succession Certificate Regulation, VII of 1901, for the purpose of Savings Bank deposits belonging to deceased depositors of Mysore in Govt. Savings Banks and regarding ~~which is taken~~ an early reply is requested

I have the honour to be Sir Your most obedient servant

by Govt. ~~Pension~~ Certificate granted to deceased depositors

SUBJECT. SN 23/9

SRR 23/9

Bangalore,

11th January 1910.

From,

V.A.Rajaratna Mudaliar,Esq.,

Registrar,Chief Court of Mysore.

To,

C.S.Balasundaram Iyer,Esq.,

Offg: Secretary to the Government of Mysore,

Genl: & Rev: Departments.

Sir,

Adverting to your letter no.J.938/GP 237-08 dated the 23rd September 1909,I am directed to state for the information of Government that the number of applications filed in the State during the past 5 years in respects of Probates,Letters of Administration or Certificates of heirship under the Succession Certificate Regulation VII of 1901 for the recovery of Savings Bank Deposits of deceased depositors was 247 and the Court fee realized thereon during the said period was :13,673-12-0.

I have the honor to be,

Sir,

Your most obedient servant,

A.S.

REGISTRAR.

Legis 18 of 1910-11
D. O.

Draft appd by the Dewan

S. No. 4.

Do. No. 664

Mysore.
1st February 1910

Mysore.

I forward herewith S. No. 4.
a copy of a bill to
amend the Mysore Govt
Savings Banks Act V of 1873
to provide for a depositor
nominating
~~nomination by a depositor of~~ the
person ~~a person~~ to
whom such depositor
his
would desire ~~the payment~~
the paid
~~of~~ deposit money after
his death.

2. Under Section 4
of the Savings Bank Act.
deposits not exceeding
Rs 1,000 ~~are payable by~~
Treasurer

The Treasurer is authorised to pay.

6)

~~Treasury officers to~~ the legal heirs of the deceased without a ~~legal~~ succession certificate or other Court order. (insisting on the ground regulars)

It is proposed to extend this principle to all cases in which the depositor nominates an heir for receiving money remaining in the Savings Bank to the credit of the deceased depositor at the time of his death. ~~As~~ The proposed provision will relieve the nominee of the deceased depositor from ~~a great deal of~~ The pecuniary distress and trouble

trouble of having to re-
sort to the Court ~~for~~
~~credentes~~ at a time when
he (~~requires~~) is probably
least able to do so.

3. The only incon-
venience to Govt. ~~accruing~~ which
would arise from the proposed measure
would be the loss of Stamp
revenue which would
otherwise accrue if
proceedings to obtain
a Succession certificate
were instituted for
recovering ~~Securities~~ deposits
in excess of one thousand
rupees. It is not
possible to Estimate this
revenue with any
precision

precision but it is believed that the amount must be very small while the public convenience by the adoption of the measure would be greatly promoted.

4. The provision regarding nomination now proposed is analogous to that which exists in regard to nominations for receipt of bonuses assured by policies issued under the State Life Insurance Rules a copy of which is herewith Enclosed for reference

It is respected that this would stand in the way of the proposed measure being adopted because the same revenue could be realised if need be by making that Amount equal to the Curtees charged the deductd by the Treasy Officer when the Deposit is repaid or should be levied by his getting Stamps affixed to the applcn for repayt which he is by Regulation to apply

17 May 90

With the above alteration was made under a misapprehension that this referred to a reply - Mr was requested because the same were not noted in the original Rules - which returned

17 May 90

(9

reference (vide Rule 23).

5. It is proposed to place the accompanying bill before the Mysore Legislative Council."

yours Sincerely

Draft

(Dewan)

To,

The Honble

Mr S. M. Fraser cir

Resident in Mysore

Draft as finally passed by Assembly & Select Committee

10.

BILL TO AMEND THE GOVERNMENT SAVINGS BANKS ACT, 1873.

Preamble.

Whereas it is expedient to amend the Government Savings Banks Act, V of 1873, as applied to Mysore by Notification of the Government of India Foreign Department, Judicial No. ~~xxxx~~ 118 dated the 23rd June 1873; His Highness the Maharaja is pleased to enact as follows:-

Insertion of a new section after Sec: 4.

1. The following shall be inserted after section 4 as section 4 A, namely;—

Payment of to nominees in certain cases.

" 4 A. Notwithstanding anything contained in section 4 or in the Indian Succession Act X of 1865, or the Mysore Succession Certificate Regulation, VII of 1901, or ~~for~~ any other law for the time being in force, if a depositor dies leaving any sum of money in a Govt Savings Bank, the Secretary of such Bank may pay the same to the person nominated by the depositor during his life time and registered in the office of the Secretary under rules to be made by Government in this behalf; provided that such nomination shall not be allowed in the case of deposits belonging to minors".

Statements of objects and reasons

Under section 4 of the Government Savings Banks Act, 1873, as applied to Mysore by the Government of India Notification, Foreign Department, Judicial

Judicial No. 118 dated the 25rd June 1873, when a depositor dies leaving in a Government Savings Bank Rupees one thousand or under , the Secretary of such Bank may, if no probate of the Depositor's will , or Letters of Administration to his estate or a certificate under Act XXVII of 1860 or under Regulation VII of 1901 (The Succession certificate Regulation) is produced within three months of the death of the depositor , make payment of the deposit to any person appearing to him to be entitled to receive it or to administer the estate of the deceased. But, if the deposit exceeds Rupees One thousand payment can be made to the heirs of the deceased only on the production of a succession certificate, ~~of heirship~~ or Probate of a Will or Letters of Administration . This necessarily involves a certain amount of expenditure to the families of the deceased depositors at a time when they are least able to meet it. With a view to give them relief from ~~the from~~ these pecuniary burdens it is proposed to amend the Act by providing on the analogy of the State Life Insurance Rules, for nomination by depositors during their life time of the persons or persons to whom they would desire payment to be made after ~~shall be made by the Secretary of the Bank to~~ their death. This procedure will enable the Secretary of the Bank to pay

pay the amount of the deposit to the person or persons nominated beforehand by the depositor ~~leaving deposits in regard to which no such nomination has been made to be claimed in the ordinary course prescribed by law~~ and thus obviates the necessity of the heirs having to seek the aid of the courts for recovery of the deposits. Where however no nomination is made and in the case of deposits belonging to minors the ordinary rule will apply.

For obvious reasons, it is not proposed to extend the provision regarding nomination to deposits belonging to minors.

13

THE RESIDENT MYSORE

BANGALORE.

22nd February 1910.

My dear Sir,

I am desired to acknowledge the receipt of your D.O. letter No.664, dated the 1st February 1910, forwarding a copy of a bill to amend the Mysore Government Savings Banks Act, V of 1873, and in reply, to state that the Resident sees no prima facie objection to the draft bill being --- placed before the Legislative Council as proposed.

Yours sincerely

W. G. Grey Major,

First Asstt. Resident.

To

T. Ananda Rao, Esq., B.A.,

Dewan of Mysore.

K.M.

Legis. 18 91
Fair Draft Serial 6

G.R.S. 31]

Mlc Bel: No. 536
Serial 2

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE SECRETARIAT.

Dated Bangalore, 17 1911.

FROM

C.S.Balasundaram Iyer Esquire B.A.,

Secretary to the Government of H. H. the Maharaja of Mysore,
General and Revenue Departments.

To

P.D.Warburton Esquire I.C.S.,

First Assistant to the Honorable the Resident in

M y s o r e .

SIR,

I am directed to forward herewith a copy of a Bill to amend the Government Savings Banks Act, 1873, as applied to ~~Mysore~~ Mysore by the Notification of the Government of India, Foreign Department, Judl.No.118 dated the 23rd June 1873, together with a statement of objects and reasons explaining the nature and scope of the Bill.

2. As will be seen therefrom, the Bill is intended mainly to relieve the families of deceased depositors from pecuniary distress at a time when they are least able to face it.The provision regarding nomination is analogous to that contained in Rule 23 of the State Life Insurance Rules, a copy of which is enclosed for ready reference.

3. The effect of the proposed legislation will be the loss to the Durbar of a small amount of stamp revenue, but they consider

GPE--10,000--27-4-10

P.T.O.

the great relief afforded to people at a time of distress

consider that ~~this~~ is an object worth some sacrifice.

4. The Bill was placed before the Legislative Council at the meeting held on the 15th August 1910 and was adopted by that body at the meeting held on the 22nd November 1910.

5. I am now to request that the sanction of the Government of India may be obtained for the Bill being passed into law.

I have the honor to be,

Sir,

Your most obedient servant,

Offg Secretary to Government.

B.K.M.

NOTIFICATION.

No. 68—L. C., dated 30th August 1910.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Government Savings Banks Act, 1873, as in force in Mysore, is published for general information with the statement of objects and reasons.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill to amend the Government Savings Banks Act, 1873.

Preamble.

Whereas it is expedient to amend the Government Savings Banks Act, V of 1873, as applied to Mysore by Notification of the Government of India, Foreign Department, Judicial, No. 118, dated the 23rd June 1873: His Highness the Maharaja is pleased to enact as follows :—

Insertion of a new section after Section 4.

1. The following shall be inserted after Section 4, as Section 4 A, namely :—

Payment to nominees in certain cases.

"4, A. Notwithstanding anything contained in Section 4 or in the Indian Succession Act, X of 1865, or the Mysore Succession Certificate Regulation, VII of 1901, or any other law for the time being in force, if a depositor dies leaving any sum of money in a Government Savings Bank, the Secretary of such Bank may pay the same to the person nominated by the depositor during his lifetime and registered in the office of the Secretary under rules to be made by Government in this behalf; provided that such nomination shall not be allowed in the case of deposits belonging to minors."

STATEMENT OF OBJECTS AND REASONS.

Under Section 4 of the Government Savings Banks Act, 1873, as applied to Mysore by the Government of India Notification, Foreign Department, Judicial, No. 118, dated the 23rd June 1873, when a depositor dies leaving in a Government Savings Bank Rupees one thousand or under, the Secretary of such Bank, may, if no probate of the depositor's will or letters of administration to his estate or a certificate under Act XXVII of 1860 or under Regulation VII of 1901 (the Succession Certificate Regulation) is produced within three months of the death of the depositor, make payment of the deposit to any person appearing to him to be entitled to receive it or to administer the estate of the deceased. But if the deposit exceeds Rupees one thousand, payment can be made to the heirs of the deceased only on the production of a succession certificate or probate of a will or letters of administration. This necessarily involves a certain amount of expenditure to the families of the deceased depositors at a time when they are least able to meet it. With a view to give them relief from these pecuniary burdens, it is proposed to amend the Act by providing, on the analogy of the State Life Insurance Rules, for nomination by depositors during their lifetime of the person or persons to whom they would desire payment to be made after their death. This procedure will enable the Secretary of the Bank to pay the amount of the deposit to the person or persons nominated beforehand by the depositor, and thus obviates the necessity of the heirs having to seek the aid of the Courts for recovery of the deposits.

For obvious reasons, it is not proposed to extend the provision regarding nomination to deposits belonging to minors.

Legis 18 of 1910-11 Serial 7 J 2060 (17)
No. 680.

From

P. B. WARBURTON, Esq., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 6th February 1911.

Sir,

I am directed to reply to Mr. Balasundaram Iyer's letter Pol. No.536, dated the 6th December 1910, forwarding a draft Bill to amend the Mysore Government Savings Banks Act, 1873 (V of 1873).

2. The draft Bill is approved by the Government of India on the condition that the Governor General in Council retains over it the power and authority which vests in him by virtue of Article 19 of the Instrument of Transfer.

I have the honour to be,
Sir,
Your most obedient servant,

for First Assistant Resident.

K.M.
3.2.11.

B. P. B.—21-1-1911.—4,000.

G.R.S. 28.]

Legis File No. 8-10
Serial No. 6

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Legis)

READ—

the 19

Date of issue 15-5-11

Signed by Mr S Srinivasaiya

ORDER THEREON.—No. 3184/Legis 10-10

Advised that the
amend the Forest Savings Bank
Act, 1873, as applied to Mysore
which received the assent of
H.H. the Maharaja on the 9th May 1911

SUBJECT.

GPB—10,000—19-4-10

be published for general information

SW(II) 19/5/94 Secy Dept

To the Comptroller, Cyprus Gazette,
for publication of the Bill as (Copy enclosed)
Regulation No. II of 94 in Part
III of the Gazette in English &
Canarese & for the supply of the
usual number of spare Copies
of both to this office.

Copy to the Translation Bureau
for needful

G.R.S. 26]

File No. 18-1d

Serial No. 5

Diary No. of letter replied to 96

Pol No. 1674

General and Revenue Secretariat

( )

, the 19 .

To

The F. A. Resident

Bangalore

Date of issue 8-6-14.

Signed by

Sir,

I am directed to forward herewith a copy of Regn No II of 1911, a Regn to amend the Govt Savings Banks Act, 1873 as in force in Mysore with 9 spare copies and to request that a copy may, as usual be forwarded to His Highness the Maharaja's Govt.

I have &c

for Chief Secretary to Govt

Enclosures

SUBJECT.

SR (11)

8/6

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 20.

BANGALORE, THURSDAY, MAY 18, 1911.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. II OF 1911.

(Received the assent of His Highness the Maharaja on the 9th day of May 1911.)

A Regulation to amend the Government Savings Banks Act, 1873.

Preamble. WHEREAS it is expedient to amend the Government Savings Banks Act, V of 1873, as applied to Mysore by Notification of the Government of India, Foreign Department, Judicial, No. 118, dated the 23rd June 1873; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a new section after Section 4. 1. The following shall be inserted after Section 4, as Section 4 A, namely:—

Payment to nominees in certain cases. "4 A. Notwithstanding anything contained in Section 4 or in the Indian Succession Act, X of 1865, or the Mysore Succession Certificate Regulation, VII of 1901, or any other law for the time being in force, if a depositor dies leaving any sum of money in a Government Savings Bank, the Secretary of such Bank may pay the same to the person nominated by the depositor during his lifetime and registered in the office of the Secretary under rules to be made by Government in this behalf; provided that such nomination shall not be allowed in the case of deposits belonging to minors."

T. ANANDA ROW,
Dewan.